

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06cv135**

RALPH H. CLOANINGER,

Plaintiff,

Vs.

**JOHN T. McDEVITT, in his official
capacity of Sheriff of Burke County,
North Carolina; YONGLA LO a/k/a
JOE LO, individually and in his official
capacity as Deputy Sheriff of Burke
County, North Carolina; STEVEN
PARLIER, individually and in his
official capacity as Deputy Sheriff of
Burke County, North Carolina; and
LIBERTY MUTUAL INSURANCE
COMPANY, as surety,**

Defendants.

JUDGMENT

THIS MATTER, having come before the court in accordance with 28, United States Code, Section 636(c), and upon defendants' Motion for Summary Judgment (#30), and defendants' Motion to Strike Plaintiff's Response (#33), and having considered such motions, the briefs of the parties, and the evidentiary materials presented, and for the reasons discussed in such Memorandum of Decision,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that defendants' Motion to Strike Plaintiff's Response (#33) is **DENIED**, and defendants' Motion for Summary Judgment (#30) is **GRANTED**, and **JUDGMENT** is entered

DISMISSING with prejudice plaintiff's Second Amended Complaint and providing that plaintiff have and take nothing of these defendants.

Signed: September 26, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

